

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 SEP -8 AM 10:38

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Luis HUACUJA,

Defendant

) Magistrate Docket No.
)
) 08 MJ 2757
) COMPLAINT FOR VIOLATION OF:
) BY _____ DEPUTY
) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States
)
)
)
)
)
)
)

The undersigned complainant, being duly sworn, states:

On or about **September 5, 2008** within the Southern District of California, defendant, **Juan Luis HUACUJA**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Terri L. Dimolios

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 8th DAY OF SEPTEMBER, 2008



Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

001
9/5/08
KWT

CONTINUATION OF COMPLAINT:
Juan Luis HUACUJA

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

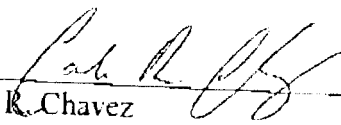
On September 5, 2008, at approximately 3:30 a.m., Border Patrol Agent R. Williams and Border Patrol Agent M. Estrada responded to a seismic intrusion device in an area commonly referred to as "The Windmill Access Road". This area is approximately 9 miles east of the Tecate, California Port of Entry and two miles north of the United States/Mexico International border.

Upon arriving at location of the device, Agent Williams and Agent Estrada followed footprints leading north of the device's location when they encountered three individuals. Agent Williams identified himself as a United States Border Patrol Agent and questioned each of the three individuals, including one later identified as the defendant **Juan Luis HUACUJA**, as to their citizenship. Each of the three individuals, including the defendant, stated that they were citizens and nationals of Mexico without any immigration documents that would allow them to enter, be, or reside in the United States lawfully. At approximately 3:40 a.m., Agent Williams placed the three individuals under arrest and transported them to the Forest Gate Processing Center for processing.

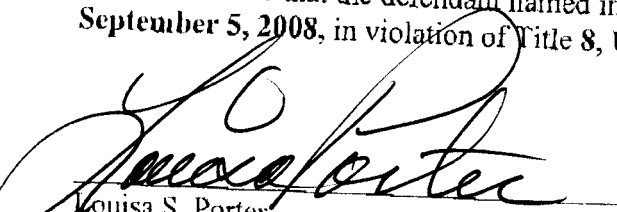
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 9, 2008** through **Laredo, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on September 6, 2008 at 9:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **September 5, 2008**, in violation of Title 8, United States Code, Section 1326.


Louisa S. Porter
United States Magistrate Judge

9/6/08 **1:00 P.M.**
Date/Time